

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0984-DCL-E **TCEQ ID:** RN104896428 **CASE NO.:** 33905
RESPONDENT NAME: GSW Cleaners, Inc. dba GSW Cleaners

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: GSW Cleaners, 4045 South Great Southwest Parkway, Grand Prairie, Tarrant County</p> <p>TYPE OF OPERATION: Dry cleaner drop station</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 10, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Rajesh Acharya, Enforcement Division, Enforcement Team 6, (512) 239-0577, MC 128; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Anwar Kabani, President, GSW Cleaners, Inc. dba GSW Cleaners, 4045 South Great Southwest Parkway, Suite 109, Grand Prairie, Texas 75052 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-0984-DCL-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 7 and June 20, 2007</p> <p>Date of NOV/NOE Relating to this Case: June 13, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation and records review investigation. Two violations were documented.</p> <p>WASTE</p> <p>1) Failed to complete and submit the required registration form to the TCEQ for the Facility [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102].</p> <p>2) Failure to pay outstanding dry cleaner fees for TCEQ Financial Assurance Account No. 24003649 for fiscal years 2006 and 2007 [30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702].</p>	<p>Total Assessed: \$2,000</p> <p>Total Deferred: \$400 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$400 (remaining \$1,200 due in 3 monthly payments of \$400 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Submitted a properly completed dry cleaning drop station registration form for the Facility on September 18, 2007; and</p> <p>b. Submitted payment for all outstanding dry cleaner fees on September 18, 2007.</p>

Additional ID No(s): F1963



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES	Assigned	18-Jun-2007	Screening	20-Jun-2007	EPA Due	
	PCW	20-Jun-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	GSW Cleaners, Inc. dba GSW Cleaners		
Reg. Ent. Ref. No.	RN104896428		
Facility/Site Region	4- Dallas/ Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33905	No. of Violations	2	
Docket No.	2007-0984-DCL-E	Order Type	1660	
Media Program(s)	Dry Cleaner	Enf. Coordinator	Rajesh Acharya	
Multi-Media		EC's Team	EnforcementTeam 6	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$3,285**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0% Enhancement** **Subtotals 2, 3, & 7** **\$0**

Notes: No adjustment due to compliance history.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The respondent does not meet the good faith criteria.

0% Enhancement* **Subtotal 6** **\$0**
 *Capped at the Total EB \$ Amount

Total EB Amounts	\$26
Approx. Cost of Compliance	\$250

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$3,285**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-39%** **Adjustment** **-\$1,285**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Recommended reduction in the penalty so that the dry cleaner registration violation does not overly impact the penalty amount.

Final Penalty Amount **\$2,000**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$2,000**

DEFERRAL **20%** **Reduction** **Adjustment** **-\$400**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,600**

Screening Date 20-Jun-2007

Docket No. 2007-0984-DCL-E

PCW

Respondent GSW Cleaners, Inc. dba GSW Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33905

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN104896428

Media [Statute] Dry Cleaner

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 20-Jun-2007		Docket No. 2007-0984-DCL-E		PCW	
Respondent GSW Cleaners, Inc. dba GSW Cleaners		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 33905		<i>PCW Revision May 25, 2007</i>			
Reg. Ent. Reference No. RN104896428					
Media [Statute] Dry Cleaner					
Enf. Coordinator Rajesh Acharya					
Violation Number	<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>				
Rule Cite(s)	<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 337.10(a) and Tex. Health & Safety Code § 374.102</div>				
Violation Description	<div style="border: 1px solid black; padding: 2px;">Failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$50</div>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	

Percent

0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	

Percent

10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment

\$45

\$5

Violation Events

Number of Violation Events	<div style="border: 1px solid black; padding: 2px 10px;">657</div>	Number of violation days	<div style="border: 1px solid black; padding: 2px 10px;">657</div>
-----------------------------------	--	---------------------------------	--

<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; padding: 2px 10px; text-align: center;">x</div>	
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	

Violation Base Penalty

\$3,285

Six hundred fifty-seven daily events are recommended from the September 1, 2005 regulatory deadline to the June 20, 2007 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <div style="border: 1px solid black; padding: 2px 10px;">\$26</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px 10px;">\$2,000</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px 10px;">\$2,000</div>	

Economic Benefit Worksheet**Respondent** GSW Cleaners, Inc. dba GSW Cleaners**Case ID No.** 33905**Reg. Ent. Reference No.** RN104896428**Media** Dry Cleaner**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	1-Sep-2005	18-Sep-2007	2.0	\$26	n/a	\$26
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent came into compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$250

TOTAL

\$26

Screening Date 20-Jun-2007

Docket No. 2007-0984-DCL-E

PCW

Respondent GSW Cleaners, Inc. dba GSW Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33905

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN104896428

Media [Statute] Dry Cleaner

Enf. Coordinator Rajesh Acharya

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 337.14(c) and Tex. Water Code § 5.702

Violation Description

Failed to pay outstanding dry cleaner fees for TCEQ Financial Assurance Account No. 24003649 for fiscal years 2006 and 2007, as documented during a record review conducted on June 20, 2007.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Adjustment \$50

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$0

No additional administrative penalty is recommended because penalty and interest will be assessed at the next billing.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet**Respondent** GSW Cleaners, Inc. dba GSW Cleaners**Case ID No.** 33905**Reg. Ent. Reference No.** RN104896428**Media** Dry Cleaner**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN602991226	GSW CLEANERS, INC.	Classification:	Rating:
Regulated Entity:	RN104896428	GSW CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000078029	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER	F1963	
Location:	4045 S GREAT SOUTHWEST PKWY STE 109, GRAND PRAIRIE, TX, 75052			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	June 21, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 21, 2002 to June 21, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rajesh Acharya Phone: (512) 239-0577

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 06/13/2007 (563713)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GSW CLEANERS, INC. DBA GSW
CLEANERS
RN104896428

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2007-0984-DCL-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding GSW Cleaners, Inc. dba GSW Cleaners ("GSW Cleaners") under the authority of TEX. HEALTH & SAFETY CODE ch. 374 and TEX. WATER CODE chs. 5 and 7. The Executive Director of the TCEQ, through the Enforcement Division, and GSW Cleaners appear before the Commission and together stipulate that:

1. GSW Cleaners owns and operates a dry cleaning drop station at 4045 South Great Southwest Parkway, Suite 109 in Grand Prairie, Tarrant County, Texas (the "Facility").
2. The TCEQ has general authority to regulate the Facility pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
3. The Commission and GSW Cleaners agree that the Commission has jurisdiction to enter this Agreed Order, and that GSW Cleaners is subject to the Commission's jurisdiction.
4. GSW Cleaners received notice of the violations alleged in Section II ("Allegations") on or about June 18, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by GSW Cleaners of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Two Thousand Dollars (\$2,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). GSW Cleaners has paid Four Hundred Dollars (\$400) of the administrative penalty and Four Hundred Dollars (\$400) is deferred contingent upon GSW Cleaners' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If GSW Cleaners fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require GSW Cleaners to pay all or part of the deferred penalty.

The remaining amount of One Thousand Two Hundred Dollars (\$1,200) of the administrative penalty shall be payable in three monthly payments of Four Hundred Dollars (\$400) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If GSW Cleaners fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of GSW Cleaners to meet the payment schedule of this Agreed Order constitutes the failure by GSW Cleaners to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and GSW Cleaners have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that GSW Cleaners has implemented the following corrective measures at the Facility:
 - a. Submitted a properly completed dry cleaning drop station registration form for the Facility on September 18, 2007; and
 - b. Submitted payment for all outstanding dry cleaner fees on September 18, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that GSW Cleaners has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, GSW Cleaners is alleged to have:

1. Failed to complete and submit the required registration form to the TCEQ for the Facility, in violation of 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during an investigation conducted on June 7, 2007.
2. Failed to pay outstanding dry cleaner fees for TCEQ Financial Assurance Account No. 24003649 for fiscal years 2006 and 2007, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702, as documented during a record review conducted on June 20, 2007.

III. DENIALS

GSW Cleaners generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that GSW Cleaners pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and GSW Cleaners compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: GSW Cleaners, Inc., dba GSW Cleaners, Docket No. 2007-0984-DCL-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon GSW Cleaners. GSW Cleaners is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. If GSW Cleaners fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, GSW Cleaners' failure to comply is not a violation of this Agreed Order. GSW Cleaners shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. GSW Cleaners shall notify the Executive Director within seven days after GSW Cleaners becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by GSW Cleaners shall be made

in writing to the Executive Director. Extensions are not effective until GSW Cleaners receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against GSW Cleaners in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to GSW Cleaners, or three days after the date on which the Commission mails notice of the Order to GSW Cleaners, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

GSW Cleaners, Inc. dba GSW Cleaners
DOCKET NO. 2007-0984-DCL-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date

12/21/2007

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

ANWAR KABANI

Name (Printed or typed)

Authorized Representative of

GSW Cleaners, Inc. dba GSW Cleaners

Date

PRESIDENT

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

